

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATAMOTION TEXAS, LLC,

Plaintiff,

V.

COMERICA BANK, COMERICA
INCORPORATED, et al.

KAISER PERMANENTE VENTURES,
LLC, et al.

Defendants.

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Civil Action No. 2:15-cv-00894-JRG

LEAD CASE

JURY TRIAL DEMANDED

Civil Action No. 2:15-cv-00893-JRG

Consolidated Case

DECLARATION OF STEPHEN F. SCHLATHER

1. My name is Stephen F. Schlather. I am over the age of twenty-one (21) years, and I am competent to testify on the matters stated herein. I am a shareholder at the law firm of Collins, Edmonds, Pogorzelski, Schlather & Tower, PLLC, and am counsel of record for Plaintiff, DataMotion Texas, LLC, in the above referenced matter. In connection with my work on this case, I have personal knowledge of the facts and statements in this declaration and declare that each of the facts is true and correct.

2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff's Infringement Chart for HP's SecureMail system's infringement of the '248 patent, as served on September 21, 2015.

3. Attached hereto as Exhibit 2 is a true and correct copy of Plaintiff's Infringement Chart for HP's SecureMail system's infringement of the '967 patent, as served on September 21, 2015.

4. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff's Infringement Chart for ADP's SecureMail system's infringement of the '248 patent, as served on September 21, 2015.

5. Attached hereto as Exhibit 4 is a true and correct copy of Plaintiff's Infringement Chart for ADP's SecureMail system's infringement of the '967 patent, as served on September 21, 2015.

6. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiff's Infringement Chart for HSBC's SecureMail system's infringement of the '248 patent, as served on September 21, 2015.

7. Attached hereto as Exhibit 6 is a true and correct copy of Plaintiff's Infringement Chart for HSBC's SecureMail system's infringement of the '967 patent, as served on September 21, 2015.

8. Attached hereto as Exhibit 7 is a true and correct copy of Plaintiff's Infringement Chart for John Hancock's SecureMail system's infringement of the '967 patent, as served on September 21, 2015.

9. Attached hereto as Exhibit 8 is a true and correct copy of Plaintiff's Infringement Chart for Kaiser's SecureMail system's infringement of the '248 patent, as served on September 21, 2015.

10. Attached hereto as Exhibit 9 is a true and correct copy of Plaintiff's Infringement Chart for Kaiser's SecureMail system's infringement of the '967 patent, as served on September 21, 2015.

11. Attached hereto as Exhibit 10 is a true and correct printout of www.distancetofrom.net indicating the distance between Fordham, NJ and Marshall, TX is

1,240.72 miles.

12. Attached hereto as Exhibit 11 is a true and correct printout of www.distancetofrom.net indicating the distance between Fordham, NJ and San Francisco, CA is 2,561.48 miles.

13. Attached hereto as Exhibit 13 is a true and correct printout of www.distancetofrom.net indicating the distance between New York, NY and Marshall, TX is 1,259.43 miles.

14. Attached hereto as Exhibit 14 is a true and correct printout of www.distancetofrom.net indicating the distance between New York, NY and San Francisco, CA is 2,568.57 miles.

15. Attached hereto as Exhibits 15 and 16 are true and correct copies of certain assignment records from the United States Patent and Trademark Office. Exhibit 15 is an assignment search for the '258 patent and Exhibit 16 is an assignment search for the '967 patent.

16. Attached hereto as Exhibit 17 is a true and correct copy of the National Judicial Caseload Profile for the Eastern District of Texas and the Northern District of California showing that the median time to trial in the Eastern District of Texas is 20.8 months and the median time to trial in the Northern District of California is 31.0 months.

17. Attached hereto as Exhibit 18 is a true and correct copy of U.S. Patent No. 6,684,248.

18. Attached hereto as Exhibit 19 is a true and correct copy of U.S. Patent No. 8,447,967.

Executed in Houston, Texas on this 25th day of September, 2015.

/s/ Stephen F. Schlather
Stephen F. Schlather